IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICITON

REVIEW PETITION (ST.) NO.10307 OF 2007
WITH
CIVIL APPLICATION NO.2615 OF 2007

Mrs.Suvarna P. Kulkarni .. Petitioner

Versus

Union of India & Others .. Respondents.

Mr.A.M. Jolshi for the Petitioner.

Mr.R.C. Master for respondent Nos.1 and 3.

CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.

DATED : 18TH OCTOBER, 2007.

P.C. :

1. The application and review petition are disposed of by this common order :

i) By speaking order dated March 30, 2007, we had noted that the petitioner was born admittedly after coming into force of the Constitution of India and was holding Rhodesian passport and was residing in Rhodesia, a central African country. For the reasons set out in our order, we have declined the relief sought for an Indian Passport. We have pointed out that it will be open to the petitioner to make out a case before the competent authority either for the claim of Indian Passport or for

Indian Citizenship. Accordingly, the petition was dismissed.

ii) Along with the petition, the petitioner had annexed a copy of judgment of another Division Bench of this Court being Writ Petition No.8432 of 2004 dated 14-2-2005. We had not adverted to that petition as admittedly on facts there, the parents of the petitioner in that petition, were Indian Citizen by birth and also domiciled and in that circumstances, the Court there had recorded a finding that the Petitioner was a citizen of India by birth.

iii) At the hearing of this petition, learned counsel draws our attention to the order of another Division Bench of this Court in Writ Petition No.3703 of 2004 in respect of some of the petitioner. A learned Division Bench there had directed issuance of a passport by holding that as the British Passport had not been renewed, the petitioner would be entitled to be treated as a Indian Citizen. That judgment was not brought to our attention.

. Even otherwise, Indian citizenship is governed by the provisions of Indian Constitution and the Indian Citizenship Act.

iv) At any rate, the ground now given cannot be a ground to hold that the order suffers from an error of law apparent on the face of record.

v) In the light of that, the application for condonation of delay as also the review petition are dismissed.

(F.I. REBELLO, J.)

(J.P. DEVADHAR, J.)